IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Crl.Rev.Pet.No. 673 of 2006()

CRL.A.293/04 OF THE SESSION'S COURT, KOZHIKODE DIVISION
CC.24/03 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II (MOBILE),KOZHIKODE

REVN. PETITIONER: ACCUSED/APPELLANT

P.MADHUSOODANAN,
S/O.CHANDRASEKHARAN NAIR,
PARANGOTTU HOUSE,
KIZHAKKUMURI.P.O, KAKKODI,
KOZHIKODE DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN

RESPONDENTS: COMPLAINANT

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1. M/S.SIDHA AGENCIES,
RUBY BUILDINGS, RAJAJI ROAD,
KOZHIKODE, REPRESENTED BY P.A.HOLDER,
SUBASH BABU, S/O.LATE CHANDUKUTTY,
POOMADATHIL HOUSE, PERUMPOYIL,
KAKKUR, KOZHIKODE.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R1 SMT.KAMALA MENON
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.673 of 2006

Dated this 11th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.24 of 2003 on the file of the Judicial First Class Magistrate's Court No.II (Mobile), Kozhikode. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for one month for the offence under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.10,000/- to the complainant under section 357(3) of the Code of Criminal Procedure and in default of payment to undergo simple imprisonment for one month. In appeal filed by him, the conviction and sentence were modified by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.434 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.434 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**